

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2001-20

January 30, 2001

Competitive Electricity Providers Annual  
Reports for the Year 2000

ORDER REGARDING  
COMPETITIVE ELECTRICITY  
PROVIDER ANNUAL REPORTS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

---

In this Order, we alter our reporting requirements for competitive electricity providers (CEPs).

Section 2(D) of Chapter 305 of the Commission's rules provides, as a condition of licensing, that all competitive electricity providers (CEP) must file an annual report before May 1 of each year. Among the information that must be filed are average prices, broken down by broad customer classes and utility service territories. The rule currently specifies the broad customer classes as residential, general service customers with demands of 100 kW or less, and general service customers with demands greater than 100 kW. The Commission adopted the 100 kW breakpoint for reporting purposes because Maine's original restructuring legislation contained a customer demand of 100 kW or below as the criterion for the applicability of most of the consumer protection provisions. The 100 kW breakpoint, however, does not actually correspond to any utility customer class breakpoint, nor to any breakpoint between standard offer classes.

Subsequent to the Commission's adoption of Chapter 305, the Legislature amended the criteria for the applicability of the consumer protection provisions to be consistent with the utilities' customer class breakpoints, as well as the Commission's definition of customer classes for standard offer service purposes. P.L. 1999, ch. 657, § 18. This legislative change was intended, among other things, to make it easier for CEPs to identify the customers for whom the consumer protection provisions apply.

To make our reporting requirements consistent with the legislative change and to facilitate CEP compliance, the Commission, pursuant to Chapter 305, § 2(D)(1)(h), has decided to alter the customer class breakpoint for reporting purposes. Specifically, the CEPs are required to provide average sale price information for each utility service territory broken down by the three customer classes that the Commission has defined for standard offer purposes. Ch. 301, § 2(A)(2). These are: 1) residential and small non-residential customers, 2) medium non-residential customers, and 3) large

non-residential customers.<sup>1</sup> Additionally, to make the reporting of the average rates more meaningful, CEPs are also required to provide their total revenue from retail electricity sales and the total number of kWh sold by standard offer class and service territory.<sup>2</sup> This reporting requirement replaces that requirement currently contained in ch. 305(2)(D)(1)(a).<sup>3</sup>

Dated at Augusta, Maine, this 30th day of January, 2001.

BY ORDER OF THE COMMISSION

---

Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

---

<sup>1</sup>The breakpoints between these classes are defined to be consistent with those of the utilities' customer class breakpoints. Because the precise breakpoints differ among the utilities, the breakpoints of the standard offer classes also differ among the utility service territories.

<sup>2</sup>The Commission notes that the contemplated change to the format of the average rate reporting requirement would also facilitate Commission compliance with a legislative directive that the prices utilities pay for power pursuant to certain qualifying facility contracts be established by reference to the average retail electricity prices paid by specific classes of customers. P.L. 1999, ch. 730. The contemplated change in the reporting requirement would negate the need to ask CEPs for information in addition to that provided in the annual report for one of the contracts covered by the legislation cited above.

<sup>3</sup> On November 30, 2000, the Commission provided CEPs with the opportunity to comment on this change to the reporting requirement. We received no comments on this matter.

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.